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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/719,475

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EXAMINER

BLACK, LINH

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/719,475	<b>Applicant(s)</b> HUSLAK ET AL.	
	<b>Examiner</b> LINH BLACK	<b>Art Unit</b> 2163	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 11 April 2008.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1,3-11 and 13-23 is/are pending in the application.

    4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1,3-11 and 13-23 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All    b) ☐ Some \*    c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_.

4) ☐ Interview Summary (PTO-413)  
    Paper No(s)/Mail Date \_\_\_\_\_.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This communication is responsive to the Applicants' Amendment dated 4/11/08. Claims 1, 3-11, 13-23 are pending in the application. Claims 1, 11, and 21 are independent claims.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-11, 13-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Logan et al. (US 2003/0093790).

As per claim 1, Logan et al. teach

gathering a list of available programming data from a server; storing said list of available programming data in a database – pars. 93, 260, 264-265, 280.

gathering program recommendation guides from third parties and storing said program recommendation guides in a recommendation guide database, said program

recommendation guides comprising lists of programming data recommended by the third parties – pars. 142-143, 163-164, 476.

presenting a user interface to a said customer entity along with said program recommendation guides – pars. 140, 282, 312.

receiving from said customer entity at least one selection from said program recommendation guides and storing said at least one selection in a customer preference database; receiving a request from said customer entity for an on-screen program listing - 88, 117-118, 272, 374, 415.

processing said request by comparing a list of recommended programming data of said at least one program recommendation guide selection with said list of available programming data and modifying an available on-screen program listing of said list of available programming data according to the list of recommended programming data of said at least one program recommendation guide selection – pars. 163-164, 274, 393-394.

presenting a filtered on-screen program listing to said customer entity resulting from said processing – pars. 463-464, 473.

automatically signaling a personal recording device to record a program on behalf of said customer entity – pars. 225, 393, 415.

As per claim 3, Logan et al. teach

transmitting a program signal to said customer entity in response to a request to view a program listed on said filtered program listing – pars. 96, 128, 142, 163-164.

As per claim 4, Logan et al. teach

generating a custom program recommendation guide by said host system using said available programming data and storing said custom program recommendation guide in said database – pars. 95, 105, 128, 264.

As per claim 5, Logan et al. teach

deleting programs ...; retaining any programs appearing as acceptable programs on the list of recommended...; handling programs not otherwise dealt with by said at least one program recommendation guide selection in accordance with instructions provided by said customer entity – pars. 116-117, 140-143, 163-164, 274.

As per claim 6, Logan et al. teach

wherein said third parties include external sources comprising at least one of: a film institute; a magazine; a religious organization; a topical web site; a video store; and a commercial business – pars. 142, 162-164, 394, 464.

As per claim 7, Logan et al. teach

wherein said customer entity comprises at least one of: a telephone; a mobile communications device; a television; a set top box; a personal recording device; and a personal computer – pars. 15, 67, 80, 164.

As per claim 8, Logan et al. teach

presenting a filtered on-screen program listing in accordance with an access level granted to an account member, said access level extending or limiting access to view program listings – pars. 419, 435-436, 503-504.

As per claim 9, Logan et al. teach

wherein said transmitting a program signal to said customer entity in response to a request to view a program further includes transmitting said program signal in accordance with an access level granted to an account member, said access level extending or limiting access to view a program – pars. 47, 435-436.

As per claim 10, Logan et al. teach

signaling said personal recording device in accordance with an access level granted to an account member, said access level extending or limiting access to record a program or view an already recorded program – pars. 419, 503-506.

Claims 11, 13-23 claim the same subject matter as of claims 1, 3-10 and are rejected based on the same ground of rejection.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 3-11, 13-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LINH BLACK  
Examiner  
Art Unit 2163

June 9, 2008  
/don wong/  
Supervisory Patent Examiner, Art Unit 2163